IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1101 OF 2005

WITH

CIVIL APPLICATION NO.1291 OF 2005

M.T.P.Mohammed ..Appellant.

Vs.

The Mumbai Municipal Corporation ..Respondent.

....

Mr.D.D.Belosey for the Appellant.

Mrs.Geetanjali Joglekar for the BMC.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

12th December, 2005.

P.C. :

Prima facie, paragraph 2 of the Appellant's reply dated 4th July, 2005 to the notice under Section 351 dated 27th June, 2005 would show that the construction has not been authorized. Since the impugned order is an ad interim order, it is

not necessary for this Court to embark upon a detailed consideration of the merits at this stage. While dismissing the Appeal, however, it is clarified that the Learned Trial Judge shall deal with the Notice of Motion uninfluenced by these observations which are only confined to the disposal of the Appeal against the order refusing ad interim relief.

In view of the disposal of the Appeal from Order, the Civil Application is rendered infructuous and is accordingly disposed of.